

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	Blair	Art Unit :	4133
Serial No. :	10/525,260	Examiner :	Sanders
Filed :	February 22, 2005	Conf. No. :	4998
Title :	Method and Systems for Communication Monitoring		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. 1.181 FOR WITHDRAWAL OF ABANDONMENT

Applicants petition that the abandonment set forth in the Notice mailed by the Office on October 12, 2010 be withdrawn as there is no abandonment in fact.

1. A Notice of Allowance and Fee(s) Due was mailed in the instant application on June 17, 2010. The accompanying Notice of Allowability indicated that claims 1, 2 and 4-14 were allowed. A copy is attached hereto.
2. Subsequent to the Notice of Allowance, Examiner Sanders contacted the undersigned to discuss an error in allowed claim 14.
3. During an interview on August 24, 2010, the Examiner and the undersigned agreed on amendments to claim 14 to place the same in condition for allowance.
4. A Supplemental Notice of Allowability was mailed on August 30, 2010, together with an Interview Summary indicating the Examiner's amendments to claim 14. The Supplemental Notice of Allowability also indicated that a "Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course." A copy is attached hereto.
5. As evidenced by the file wrapper on PAIR, no communication followed the August 30, 2010 Supplemental Notice of Allowability.
6. A Notice of Abandonment was mailed by the Patent Publication Branch on October 12, 2010 indicating a failure to pay the required issue fee and publication fee within the statutory period. A copy is attached hereto.
7. Applicant's representative contacted Examiner Sanders on October 15, 2010 and again on October 19, 2010 after receipt of the Notice of Abandonment. The Examiner returned Applicant's representative's call on October 20, 2010.

Examiner Sanders indicated that he was not aware of the Abandonment, nor was he able to explain why the Notice of Abandonment was mailed.

8. The mailing of the Supplemental Notice of Allowability should have restarted the statutory time period in which to pay the issue fee, as the application was not in condition for allowance until the amendment to claim 14 was entered by the Examiner on August 30, 2010. As such, the actual due date for payment of the Issue Fee is properly November 30, 2010.
9. Accordingly, to preserve Applicants' rights, Applicants are respectfully submitting this petition requesting withdrawal of the Notice of Abandonment mailed October 12, 2010.

☒ As noted in MPEP 711.03(c), no Petition Fee is required.

Respectfully submitted,

Date: October 20, 2010

/Lawrence A. Aaronson/
Lawrence A. Aaronson
Reg. No. 38,369

Lawrence A. Aaronson, P.C.
12850 Highway 9
Suite 600 - PMB 338
Alpharetta, GA 30004
Telephone: (770) 475-9129
Facsimile: (770) 809-5028